

The Atchison Topeka And Santa Fe

Between San Francisco and Chicago
Via Albuquerque, and Kansas City.

Snead Comfort and Elegance

Pullman and Dining Service Unsurpassed.

Passing through the Grandest Scenery of the West
F W Prince, Agent, 641 Market St. San Francisco Cal

Sacramento Saloon

ANDY TODD, Prop.

The best of liquid refreshments always on tap, including imported
and domestic goods.

Good Cigars are a part of our stock.

You never make a mistake at the old corner.

The Eagle Market

Our Meats are the best, if you are not
satisfied with the place you are trading
call on us. Our motto is "The Best."
A pleased patron means a steady customer

The Eagle Market

ANNUAL STATEMENT

Of The Home Insurance Co. of New

York.

Capital (paid up) \$ 3,000,000 00
Assets 21,239,052 88
Liabilities, exclusive of capi-
tal and net surplus 9,518,551 54

Income

Premiums 8,785,528 49
Other sources 853,478 14
Total income, 1905 9,639,006 63

Expenditures

Losses 4,240,249 45
Dividends 600,000 00
Other expenditures 3,032,720 90
Total expenditures, 1905 7,872,970 35

Business, 1905.

Risks written 1,320,688,280 00
Premiums thereon 13,244,369 17
Losses incurred 1,983 84

Nevada Business

Risks written 318,390 00
Premiums received 7,150 53
Losses paid 1,983 84
Losses incurred 1,983 84

A. M. Brutis, Secretary.

ANNUAL STATEMENT

Of Business of the Nevada Co. for 1905

Receipts \$132,952 60

Disbursements 147,864 57

X. M. Hickey, Cashier

SPECIAL EXCURSION FROM SAN

FRANCISCO TO CITY OF MEXICO

AND RETURN. DECEMBER 16th,

1905.

A select party is being organized by
the Southern Pacific to leave San
Francisco for Mexico City, December
16th, 1905. Train will contain first
vestibule sleepers and dining car, all
the way on going trip. Time limit
will be sixty days, enabling excursion-
ists to make side trips from City of
Mexico to points of interest. On re-
turn trip, stopovers will be allowed at
points on the main lines of Mexican
Central, Santa Fe or Southern Pacific.
An excursion manager will be in
charge and make all arrangements.

Round trip rate from San Francisco
\$80.00.

Pullman berth rate to City of Mex-
ico, \$12.00.

For further information address in-
formation Bureau, 613 Market street,
San Francisco Cal.

For Bargains in toys go to Ward's
where every article is cut to cost
price.

Dill and sweet pickles, India Relish
Chutney Picallilli and Chows, all
Heinz goods, best on earth, to be had
at Meyers Merc. Co.

Joe Platt has received samples of
tailor made suits which are, with-
out doubt the finest ever shown in
this city. A number of suits have
already been made and they are per-
fect fits in every case. Get your
measure taken and do it before the
best samples are gone. No guess-
tees a fit or no pay.

THE SUPREME COURT OF THE STATE OF NEVADA.

Appealed From the Fourth Judicial
District Court, Elko County, Ne-
vada.

The State of Nevada,
Plaintiff and Respondent,
against

Paul Lovelace,
Defendant and Appellant.
Attorney General James G. Sweeney,
Attorney for State.

Wm. Woodburn, Attorney for Appel-
lant.

Defendant appeals from a judgment
rendered against him in the District
Court in and for Elko county for the
crime of burglary; and he assigns two
reasons why, as he claims, judgment
should be reversed.

First, the insufficiency of the in-
dictment on which the judgment was
based; and

Second, the absence of corrobor-
ation of the testimony of an accomplice
who testified against the defendant.

Under the first head the point made
is on the proper interpretation of the
following clause in the indictment:

"The said Paul Lovelace on the 11th
day of May, 1904, in the night time of
said day, or thereabouts, in the County
of Elko, State of Nevada, without au-
thority of the law and before the find-
ing of this indictment, did wilfully,
unlawfully and burglariously break
and enter the building of one Alexan-
der Burrell."

Counsel for defendant in his or
their brief, if an unsigned paper in the
usual form of a brief found among the
papers in the case as they appear filed
in this court, is by us treated as a
brief, say:

"Appellant claims that this Indict-
ment is not good at common law, be-
cause the words 'or thereabouts', re-
late to and qualify the words 'night
time'. This question was not raised
in the court below, but is here pre-
sented for the first time.

The question is not whether the in-
dictment would be good 'at common
law'. It is whether it is good under
the statute of Nevada that governs
the subject. The subject is governed
by the sections following concerning
indictments:

Section 4199, Compiled Laws, 1900,
provides that the indictment shall
contain "..... a statement of
the acts constituting the offense, in
ordinary and concise language, and in
such manner as to enable a person of
common understanding to know what
is intended."

Section 4206, Compiled Laws, 1900,
has the following: "The words used
in an indictment shall be construed
in the usual acceptance in common
language, except such words and
phrases as are defined by law, which
are to be construed according to their
legal meaning."

Section 4208, Compiled Laws, 1900,
provides: "..... That the act or omission
charged as the offense is clearly and
distinctly set forth in ordinary and
concise language, without repetition,
and in such a manner as to enable a
person of common understanding to
know what is intended."

Section 4209 is as follows:
"No indictment shall be deemed
insufficient, nor shall the trial, judg-
ment, or the proceeding thereon, be
affected, by reason of any defect or
imperfection in matters of form,
which shall not tend to the prejudice
of the defendant."

The foregoing enactments show that
it was the intention of the legislature
of Nevada that in construing in-
dictments the courts should not indulge
in a too exact and over-strict view of
language; but that certainty to a com-
mon intent was all that should be
required.

True, in the paragraph of the in-
dictment under discussion, there is
something of a departure from the
best models of grammatical, rhetorical
or linguistic expression. But we think
the paragraph meets the
requirement of the statute that "the
acts constituting the offense should be
charged in ordinary and concise lan-
guage, and in such manner as to en-
able a person of common understand-
ing to know what is intended." To
hold the indictment not fatally bad is,
we think, to keep within the statu-
tory command, as expressed above
in section 4206, or at least not to de-
part too far from such command, to-
wit, to construe "in the usual accept-
ance in common language."

We think the defect of the in-
dictment complained of was such as in
the language of Section 4209, above quoted
was a "defect or imperfection in
matter of form, which did not tend
to the prejudice of the defendant."

The language of the indictment
could doubtless be made more accu-
rate; but we think it is not fatally
defective. In brief of Counsel for de-
fendant the following correction is offered:

"If the words 'or thereabouts' had
been inserted after the words 'on the
11th day of May, 1904', the in-
dictment could not be the subject of criti-
cism or assault."

Perhaps the following phraseology
might be considered an improvement
on the phraseology of the indictment:

The said Paul Lovelace did, in the
night time of the 11th day of May,
1904, or in the night time of some
day thereabouts the said 11th day
of May, 1904, enter, etc.

Said Paul Lovelace did, in the night
time, on or about the 11th day of
May 1904, enter, etc.

might perhaps be considered a little
better collocation of words, although
this is something of a departure from
the form suggested in the statute
concerning the form of indictments.

That more grammatical punctu-
ational (if verbal "free coinage" may
be allowed), rhetorical or linguistic
error does not always vitiate is fully
sustained by decisions of courts and
text writers. The following notably
excellent authority is cited to sus-
tain this doctrine:

Cyclopedia of Law and Procedure
(Cyc.) vol. 6, page 199; and authori-
ties there mentioned.

While this indictment, in the respects
mentioned is in truth artistically
drawn, yet under the statutes and the
authorities above stated, we cannot
say that it is fatally defective. The
sections of the statute above quoted
show that the legislative intent was
that the courts of the State should
give interpretations liberal to sustain
rather than rigid to overthrow in-
dictments when, as in this case sub-
stantial rights of defendants are not there-
by prejudiced; and as we have from
the authority mentioned seen that
even under the common law to over-
throw this indictment would seem too
rigid an interpretation.

Under the second head the error
claimed is stated in the brief of Coun-
sel for defendant as follows:

"On the trial of appellant the de-
position of one Ross, taken at the pre-
liminary examination was read in
evidence, because he broke jail and
escaped before the trial and his pres-
ence could not be procured.

"He testified that he and appellant
entered the store of Alexander Burrell
on the day named in the indictment,
stole a lot of amalgam of the value
of about \$2400, and buried it a short
distance from the scene of the crime.
Appellant claims there was no testi-
mony corroborative of that of Ross,
and that a conviction could not be
had."

In this contention Counsel is, we
think, clearly mistaken. Besides
minor points of corroboration, not
necessary to be mentioned here, the
testimony of the witness W. J. Davidson
corroborates the testimony of the ac-
complice Ross. Davidson testifies that
the defendant requested him (David-
son) "to help him rob the store at
Edgemont", that is the store that was
robbed. Davidson further testifies
that the defendant "told him he would
have got the amalgam if something
had not happened"—the amalgam was
the article stolen in the robbery.

Davidson further testifies that the de-
fendant was trying to dispose of the
amalgam, the thing stolen; and asked
Davidson this question: "What
am I going to do about that damned
stuff."

If this testimony was true, and its
truth was a question entirely for the
jury, there was corroboration of the
testimony of the accomplice Ross.

Defendant fails in sustaining either
of his two points urged in argument
for the reversal of the judgment.

The judgment is therefore affirmed.

Fitzgerald, C. J.

We Concur:
Talbot, J.
Norcross, J.

Filed January 4, 1906.

TOURIST EXCURSION PARTIES TO THE EAST.

Over the Scenic Line of the World.

If you are going east and want to
save money, yet travel with pleasure
and comfort it will pay you to in-
vest our personally conducted tourist
excursions. The parties are in charge
of a Manager who accompanies the
cars through to St. Louis, Chicago
and the Atlantic Coast and gives his
personal attention to the welfare of
each passenger in his charge. The
schedules are arranged so you pass
through the world-famed scenery on
the Denver and Rio Grande Railroad
by daylight. Open top Observation
cars (something entirely new) are
free to all passengers. Let us know
where you are going and we will
be glad to give you full information
about your trip, the lowest rates of
fare and send you free of charge some
handsome illustrated books of travel.

W. J. SHOTWELL,
General Agent.

625 Market Street, San Francisco, Cal.

Cattle and Horses.

The City Marshal gives warning
that all loose stock found on the
streets from this time on will be em-
pounded. A strict attention to this
parties owning stock will take warn-
ing ordinance will be enforced and
imposed in every case.

Wm. Kinney,
Marshal.

LADIES: I make from \$18 to \$20
per week and want all to have the
same opportunity. The work is very
pleasant and will pay you very hand-
somerly for even your spare time. I
speak from experience as I have fre-
quently made \$5.00 in a single day.
This is no deception. I want no
money and will gladly send full par-
ticulars to all. Address,

MRS. W. W. MITCHELL,
Box 10, Portland Maine.

Notice to Hunters.

Notice is hereby given that any
person found hunting without a permit
on the premises owned by Theodore
Winters, will be prosecuted. A limited
number of permits will be sold
at \$5 for the season or 50 cents for
one day.

A. C. WINTERS.

Take a look at the new ties that
are being shown at Platt's.

Ward is closing out his \$20.00
stock at a sacrifice. This is an op-
portunity for Christmas shoppers.

Liberal Offer.

I beg to advise my patrons that the
price of disc records (either Victor
or Columbia), to take effect imme-
diately, will be as follows until fur-
ther notice:

Ten inch disks formerly 70 cents
will be sold for 60 cents.

Seven inch records formerly 50c.
now 35c. Take advantage of this of-
fer.

C. W. FRIEND.

ORDINANCE NO. 112.

Or. Ordinance for the Licensing of
Games and Gambling Devices in
Carson City.

The Board of Trustees of Carson
City do ordain:

Section 1. Each and every person,
firm, company, corporation, or asso-
ciation within the limits of Carson
City, who shall carry on as agent,
manager, owner or proprietor, any
game of faro, roulette, rondo, keno,
or any other game not prohibited by
the statutes of the State of Nevada,
or who shall carry on or operate any
nickle-in-the-slot-machine, or who
shall carry on or conduct any bank-
ing game played with cards, dice or
other device, whether the same be
played with money, checks, credit or
any other valuable thing or repre-
sentative of value, shall pay for and
obtain a city license to carry on such
game, and shall pay or each license
twenty-five dollars (\$25.00) per month
provided that when more than one
of said games are carried on in the
same room or apartment, whether
by the same or different owners, each
game so carried on shall be separat-
ly licensed; and provided further,
that the license imposed by this Or-
dinance is for the revenue only, and
not for the purpose of prohibition,
suppression or regulation.

Section 2. The provisions of this
Ordinance shall apply to all time
on and after October 1, 1905.

Section 3. Ordinance Number 53
and all other ordinances or parts of
Ordinances in so far as they conflict
with the provisions of this Ordi-
nance are hereby repealed.

President of the Board of City Trust-
ees of Carson City, Nevada.

Attest:

H. B. Van Etten, Clerk.

OFFICIAL COUNT OF STATE FUNDS.

STATE OF NEVADA.

County of Ormsby, s. s.

W. G. Douglas, and James
G. Sweeney, being duly sworn,
say they are members of the
Board of Examiners of the State of
Nev., that on the 29th day of Jan. '05
they, (after having ascertained from
the books of the State Controller the
amount of money that should be in
the Treasury) made an official exami-
nation and count of the money and
vouchers for money in the State Treas-
ury of Nevada and found the same
correct as follows:

Cash \$288,280 74

Paid coin vouchers not re-
turned to Controller 111,112 18

Total 399,392 92

State School Fund Securities.

Irredeemable Nevada State
School bond 380,000 00

Mass. State 3 per cent
bonds 537,000 00

Nevada State Bonds 253,700 00

Mass. State 3 1/2 per cent
bonds 313,000 00

United States Bonds 215,000 00

Total 2,098,992 92

W. G. Douglas
James G. Sweeney

Subscribed and sworn before me this
29th day of January, A. D. 1906.

J. Doane,
Notary Public, Ormsby County, Nev.

ANNUAL STATEMENT

Of The State Life Insurance Company
Indianapolis, Ind.

Capital (paid up) none

Assets (admitted) 3,160,983 31

Liabilities, exclusive of capi-
tal and net surplus 4,615,497 63

Income

Premiums 946,994 77

Other sources 197,125 01

Total income, 1904 2,244,022 78

Expenditures

Losses 300,992 69

Dividends 65,240 11

Other expenditures 1,950,102 76

Total expenditures, 1904 1,416,245 56

Business, 1904

Risks written 23,276,143 00

Premiums thereon 805,648 06

Losses incurred 316,885 00

Nevada Business.

Risks written 10,000 00

Premiums received 2,852 43

Losses paid 5,000 00

W. S. Wynn Secretary.

New lines of footwear arriving
daily at Ed. Burlington's shoe store.
He has been considering the
delay in freight and is now
receiving daily. You will find the
best and best lines of shoes
in his store and prices are at
ways the lowest. You can save
money by purchasing footwear at
his store.

Quarterly Report.

OFFICE COUNTY AUDITOR

Ormsby County, Nevada.

To the Honorable the Board of Coun-
ty Commissioners, Gentlemen:

In compliance with the law, I
herewith submit my quarterly re-
port showing receipts and disbur-
sements of Ormsby County, during
the quarter ending Dec. 30, 1905.

Receipts.

Balance in County Treasury at
end of last quarter \$40,223 36 1/2

County licenses 701 65

Gaming licenses 1957 50

Liquor licenses 310 20

Fee of Co. officers 531 40

Rent of county bldg. 250 00

Post taxes 620 40

1st. Instalment taxes 14,924 21 1/2

Special school tax 1710 90 1/2

Slot machine license 282 00

Cigarette license 42 30

Semi-Annual Set. State Treas 31 78

Delinquent taxes 23 80 1/2

Sale of horse 10 00

Sale of pump 13 00

Keep of W. Bowen 45 00

Total 61,977 36 1/2

Disbursements.

State fund 6692 82 1/2

General fund 2732 32

Salary fund 2390 00

Agl. Assn. Bond Fund, Series
A, \$100.00 250 00

B, \$100.00 400 00

Co. School Fund, Dist. 1 388 55

Co. School fund, Dist. 2 151 20

Co. School fund Dist. 3 30 70

Co. School fund Dist. 4 24 00

State School fund, Dist. 1 2605 00

State school fund, Dist. 2 16